

EXHIBIT 4  
DATE 04/10/2013  
SB 387

From: "Weiss, Rachel" <RWeiss@mt.gov>  
Subject: **Conflicts between SB 375 and SB 387**  
Date: April 9, 2013 2:17:42 PM MDT  
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Cc: "Thigpen, Helen" <HThigpen@mt.gov>, "welch4mt@gmail.com" <welch4mt@gmail.com>

Hello Senators,

I'm emailing because SB 387 and SB 375 have policy conflicts that should be resolved in case both are passed and approved. SB 387 is Senator Debbie Barrett's bill to revise provisions related to the enforcement of campaign practices laws. SB 375 is Senator Peterson's bill to revise Montana campaign laws. Both bills are in the second house. SB 375 is in House Judiciary awaiting executive action. SB 387 will have a hearing tomorrow in House State Administration.

At this time, it sounds like the House State Administration committee will try to take executive action on SB 387 on Thursday morning though that could change. I do not know when the House Judiciary committee will vote on SB 375, but I have copied the Judiciary staff, Helen Thigpen, on this email and we are working together to ensure the bills are coordinated. Although it is generally easiest to resolve conflicts if both sponsors can agree on how to coordinate bills, if it isn't possible to agree on coordination, we will work with the committee chairs to ensure the bills coordinate before moving on to Second Reading.

The bills conflict in their treatment of 3 sections. I've outlined the conflicts below and have included links to both bills so you can review the conflicts. The conflicts can be resolved in either bill.

1. Section 13-35-227, MCA. – Prohibited contributions from corporations – SB 375 and SB 387 both amend this section differently. It is a policy difference not a technical one.
2. Section 13-128, MCA. – Cause of action created – SB 375 changes the fine established in this section. SB 387 repeals the section. If both bills went through without a coordination instruction, the section would be repealed. That isn't a technical problem, but it is a policy issue. If everyone is ok with the process created in SB 387, than these sections wouldn't need to be coordinated: SB 387 would repeal the section. I've included it as a possible conflict just so you are aware of it.
3. Section 13-129, MCA. – Liability and disposition of fines – SB 375 directs fines collected in enforcement actions to a special revenue account. SB 387 repeals the section. This is a policy conflict. SB 387 creates a new section 2 that establishes a new process of review of complaints and new fines. One way to resolve the difference in policies is to add language to SB 387 through the coordination instruction that would put into SB 387 the special revenue account language. Otherwise, the repealer in SB 387 would trump the changes made to 13-37-129 in SB 375.

Please let me know if you have any questions or talk to Helen or me if you have a request for amendments to coordinate the bills. I am at 444-5367 and Helen is at 444-3804. We'd be happy to help.

Sincerely,

Rachel Weiss  
Legislative Research Analyst  
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